

Remarks

Claims 1-8 are pending in the application. Claim 3 is rejected. Claims 1, 2, and 4-8 are objected to. Claims 9-11 are new. No new matter has been added.

Drawings:

The drawings are objected to. More specifically, the Examiner states that reference number 11a should be added to Figure 1 to designate the side sections of the edge (11). In addition, the Examiner states that Figure 3 should be designated by a legend, such as “Prior Art”, pursuant to MPEP 608.02(g). The Applicant has amended Figures 1 and 3, as suggested by the Examiner, to overcome these objections. Therefore, the objections to the drawings should be withdrawn.

Specification:

The disclosure is objected to. More specifically, the Examiner states that paragraph 0001, line 2, “, according to the preamble of claim 1” should be deleted. The Applicant has deleted this language to overcome this objection.

In addition, the Examiner states that paragraph 0008 should be deleted. The Applicant has deleted paragraph 0008 to overcome this objection.

The Examiner also states that in paragraph 0009, line 1, “in the design according to Claim 1” should be deleted and, in line 3, “optically” should be changed to “aesthetically”. The Applicant has deleted the language of line 1 and changed the language of line 9 to overcome these objections.

Finally, the Examiner states that in paragraph 0011, line 1, “The design according to Claim 3, according” should be changed to “Another design” and, in line 4, “of Claims 1 and 3” should be deleted. The Applicant has changed the language of line 1 and deleted the language of

line 4 to overcome these objections. Therefore, all of the objections to the specification should be withdrawn.

Claim Objections:

Claims 1-8 are objected to. More specifically, the Examiner states that in claim 1, “its” should be changed to “a”; “a so-called roof top, overlapped by a cover (6)” should be deleted; “the additional” should be changed to “an additional”; and “at least in parts of its area” should be deleted. The Applicant has amended claim 1, as suggested by the Examiner, to overcome these objections.

The Examiner states that in claim 3, “its” should be changed to “a”; “a cover, a so-called roof top” should be changed to “the cover”; “the additional” should be changed to “an additional”; “especially according to Claim 1” should be deleted; “its extent it forms” should be changed to “an extent the curtain forms”; and “its connection to body” should be changed to “the connection of the curtain to the body”. The Applicant has amended claim 3, as suggested by the Examiner, to overcome these objections.

The Examiner states that in claim 5, “the gap” should be changed to “a gap”. The Applicant has amended claim 5, as suggested by the Examiner, to overcome this objection.

The Examiner states that in claim 6, “trend” should be changed to “shape” and “the areas” should be changed to “areas”. The Applicant has amended claim 6, as suggested by the Examiner, to overcome these objections.

The Examiner states that in claim 7, “parts of its area” should be changed to “portions”. The Applicant has amended claim 7, as suggested by the Examiner, to overcome this objection.

The Examiner states that in claim 8, “parts of its area” should be changed to “portions”. The Applicant has amended claim 8, as suggested by the Examiner, to overcome this objection.

Claims Rejections – 35 USC §103:

Claim 3 stands rejected under 35 USC §103(a) as being unpatentable over United States Patent No. 5,810,422 to Corder et al. in view of United States Patent No. 6,485,085 to Pecho et al.

The Examiner states that Corder et al. discloses, in part, a “cabriolet vehicle (automotive vehicle 12) with a roof (convertible top 10) with a flexible cover (pliable cover 20), which includes in a front area a rigid area (front rigid panel 22) overlapped by the cover, where the front roof area (22) can be stored in the same orientation as in the closed state (see Figure 4) in a body recess, which is bounded rearward by an edge serving as front edge of an additional body outside surface (surface just forward of the trunk lid) extending to the rear wherein **the flexible lining (20) is a textile curtain** (see Figures 1 & 2) which is fastened over almost the entire width of recess and is held on an area of the roof where, over at least part of an extend the curtain forms a surface that is essentially horizontal, and is positioned elevated relative to the curtains connection to body.” [emphasis added]. The Examiner further states that Corder et al. does not “expressly disclose that the curtain is fastened over almost the entire width of recess beneath the rear edge of a recess.” The Examiner further states that “Pecho et al. discloses a convertible top (arrangement 1) including a curtain (convertible top 2) fastened over almost the entire width of a recess beneath the rear edge of the recess (see Figure 3 for attachment location).” The Examiner also states that “it would have been obvious to a person of ordinary skill in the art to modify the convertible top of Corder et al., to employ an internal attachment location, as taught by Pecho et al...”

Independent claim 3 has been amended to clarify that the flexible cover (6) is part of the roof (3) and that the textile curtain (15) extends between the roof (3) and the body (4) where the flexible cover (6) forms a surface (22) that is essentially horizontal and positioned elevated relative to the connection (21) of the curtain (15) to the body (4).

The prior art references fail to disclose, teach, or suggest each and every element of claim 3. Corder et al. and Pecho et al. each teach a roof having a flexible cover (20), but each fail to disclose, teach, or suggest a textile curtain (15) which extends between the roof (1) and the body of the vehicle. Therefore, Corder et al. and Pecho et al. fail to disclose, teach, or suggest a textile curtain that extends between the roof and the body where the flexible cover forms a surface that

is essentially horizontal and positioned elevated relative to the connection of the curtain to the body. The rejection of allowable claim 3 should be withdrawn.

Allowable Subject Matter:

Claims 1, 2, and 4-8 would be allowable if rewritten to overcome the objections set forth in the Office Action. The Applicants thank the Examiner for the allowable subject matter and have made the necessary amendments to overcome these objections.

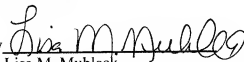
New Claims

Applicant has added new claims 9-11. Support for these additional claims can be found in paragraphs [0033]-[0039] and in Figure 5 of the application, as filed. No new matter has been added.

Respectfully submitted,

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